

FILED: BRONX COUNTY CLERK 12/03/2020 10:10 AM

INDEX NO. 34548/2020E

NYSCEF DOC. NO. 1

RECEIVED NYSCEF: 12/03/2020

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

KEKE LIBRON,

Plaintiff,

-against-

~~PROLOGIS INC.~~ and PROLOGIS TARGETED U.S.  
LOGISTICS FUND, L.P.,

Defendants.

Index No.:

Date of Purchase:

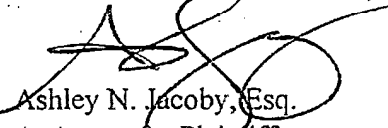
**SUMMONS**Plaintiff designates BRONX  
COUNTY as the place of trialThe basis of venue is:  
Location of accident.Accident occurred at or near:  
1055 Bronx River Avenue,  
Bronx, New York 10472

To the above-named Defendant(s):

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

**JURY TRIAL DEMANDED**Dated: December 2, 2020  
New York, New York

Yours, etc.,

**THE DEARIE LAW FIRM, P.C.**
  
Ashley N. Jacoby, Esq.  
Attorneys for Plaintiff
**KEKE LIBRON**515 Madison Avenue, 16<sup>th</sup> Floor  
New York, New York 10022

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To: Prologis, Inc.  
c/o Corporation Service Company  
80 State Street  
Albany, NY 12207

Prologis Targeted U.S. Logistics Fund, L.P.  
c/o Corporation Service Company  
80 State Street  
Albany, NY 12207

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX-----X  
KEKE LIBRON,

Plaintiff(s),

Index No.:

Date of Purchase:

VERIFIED COMPLAINT

-against-

PROLOGIS, INC. and PROLOGIS TARGETED U.S.  
LOGISTICS FUND, L.P.,Defendant(s).  
-----X

Plaintiff, **KEKE LIBRON**, complaining of defendants, **PROLOGIS, INC.** and **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, by and through her attorneys, **THE DEARIE LAW FIRM, P.C.**, as and for a Verified Complaint, respectfully sets forth and alleges, upon information and belief as follows:

1. That at all times herein mentioned, plaintiff, **KEKE LIBRON** (hereinafter, "Plaintiff"), was, and still is, a resident of the County of Bronx, City and State of New York.
2. That the cause of action alleged herein arose in the County of Bronx, City and State of New York.
3. That this action falls within one or more of the exemptions set forth in CPLR §1602.
4. That at all of the times hereinafter mentioned, and upon information and belief, defendant, **PROLOGIS, INC.**, was and still is, a foreign business corporation duly organized and existing under and by virtue of the laws of the State of Maryland.

5. That at all of the times hereinafter mentioned, and upon information and belief, defendant, **PROLOGIS, INC.**, was and still is, authorized to conduct business in the State of New York.
6. That at all of the times hereinafter mentioned, and upon information and belief, defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, was and still is, a foreign business corporation duly organized and existing under and by virtue of the laws of the State of Delaware.
7. That at all of the times hereinafter mentioned, and upon information and belief, defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, was and still is, authorized to conduct business in the State of New York.
8. That on August 26, 2019, a structure upon a special condominium billing lot existed at 1055 Bronx River Avenue, Bronx, New York 10472 (hereinafter, the "Premises").
9. That on August 26, 2019, the Premises were owned by defendant, **PROLOGIS, INC.**
10. That on August 26, 2019, the Premises were operated by defendant, **PROLOGIS, INC.**
11. That on August 26, 2019, the Premises were managed by defendant, **PROLOGIS, INC.**
12. That on August 26, 2019, the Premises were maintained by defendant, **PROLOGIS, INC.**
13. That on August 26, 2019, the Premises were controlled by defendant, **PROLOGIS, INC.**
14. That on August 26, 2019, the Premises were repaired by defendant, **PROLOGIS, INC.**
15. That on August 26, 2019, the Premises were inspected by defendant, **PROLOGIS, INC.**
16. That on August 26, 2019, the Premises were owned by defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**

17. That on August 26, 2019, the Premises were operated by defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**
18. That on August 26, 2019, the Premises were managed by defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**
19. That on August 26, 2019, the Premises were maintained by defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**
20. That on August 26, 2019, the Premises were controlled by defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**
21. That on August 26, 2019, the Premises were repaired by defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**
22. That on August 26, 2019, the Premises were inspected by defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**
23. That on August 26, 2019, Plaintiff, **KEKE LIBRON**, while lawfully on the Premises, was caused to sustain injuries as a result of a dangerous and defective condition in the walk-in freezer on said Premises.
24. That the aforesaid accident and the injuries resulting therefrom were due solely and wholly as a result of the careless and negligent manner in which defendants, **PROLOGIS, INC. and PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.** owned, operated, managed, maintained, controlled, repaired and inspected the aforesaid Premises, without the Plaintiff in any way contributing thereto.
25. That defendants, **PROLOGIS, INC. and PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, were negligent in the ownership, operation, management, maintenance, control, repair and inspection of the aforesaid Premises in: Creating unsafe, hazardous

and dangerous conditions on the Premises; Failing to use reasonable care to keep the Premises in a reasonably safe condition; Failing to use reasonable care to correct unsafe, hazardous and dangerous conditions on the Premises about which defendants had prior knowledge; Failing to use reasonable care to correct unsafe, hazardous and dangerous conditions on the Premises about which defendants should have had knowledge through the use of reasonable care; Failing to provide adequate warning of unsafe, hazardous and dangerous conditions on the Premises; Exacerbating unsafe, hazardous and dangerous conditions on the Premises; Failing to properly maintain the Premises; Failing to properly repair the Premises; Entering into a contract for the service, maintenance, inspection and/or repair of the Premises and failing to abide by said contract and/or keep the Premises in a reasonably safe condition for Plaintiff; Failing to use reasonable care in the employment, training and supervision of its employees; Failing to safely construct, equip, arrange, operate and control the Premises; Failing to correct unsafe equipment, methods, practices and materials; Failing to make the Premises reasonably safe; Failing to conduct inspections of the Premises to detect unsafe conditions; Failing to correct unsafe conditions.

26. That on August 26, 2019, as a direct result of the aforementioned negligence of defendants, **PROLOGIS, INC.** and **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, Plaintiff sustained severe and permanent injuries.
27. That the occurrence and the resulting personal and permanent injuries to Plaintiff, **KEKE LIBRON**, were caused through no fault her own, rather were solely and wholly caused by reason of the negligence of the aforementioned defendants as set forth above.

28. That by reason of the foregoing negligence of defendants, **PROLOGIS, INC.** and **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, Plaintiff, **KEKE LIBRON**, was caused to sustain serious injuries, suffered, suffers and will continue to suffer for some time, physical pain and bodily injuries, and as a result thereof, became sick, sore, lame and disabled.
29. That by reason of the foregoing, Plaintiff, **KEKE LIBRON**, was compelled to and did necessarily require medical aid and attention, and did necessarily pay and become liable therefore and will continue to incur similar expenses.
30. That by result of the foregoing, Plaintiff, **KEKE LIBRON**, sustained damages in a sum exceeding the jurisdictional limits of the lower courts; together with the costs and disbursements of this action.
31. That defendant, **PROLOGIS, INC.**, caused and/or created the unsafe, dangerous, hazardous and defective condition.
32. That defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, caused and/or created the unsafe, dangerous, hazardous and defective condition.
33. That defendant, **PROLOGIS, INC.**, knew that the unsafe, dangerous, hazardous and defective condition existed on the Premises, prior to the August 26, 2019 incident in which Plaintiff was injured, and failed to take suitable precautions.
34. That defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, knew that the unsafe, dangerous, hazardous and defective condition existed on the Premises, prior to the August 26, 2019 incident in which Plaintiff was injured, and failed to take suitable precautions.

35. That defendant, **PROLOGIS, INC.**, in the use of reasonable care, should have known that the unsafe, dangerous, hazardous and defective condition existed on the Premises, prior to the August 26, 2019 incident in which Plaintiff was injured, and failed to take suitable precautions.
36. That defendant, **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, in the use of reasonable care, should have known that the unsafe, dangerous, hazardous and defective condition existed on the Premises, prior to the August 26, 2019 incident in which Plaintiff was injured, and failed to take suitable precautions.
37. Pursuant to CPLR §1602(2)(iv), defendants, **PROLOGIS, INC.** and **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, are jointly and severally liable for all of Plaintiff's damages, including but not limited to Plaintiff's non-economic losses, by reason of the fact that defendants owed Plaintiff a non-delegable duty of care.
38. Pursuant to CPLR §1602(2)(iv), defendants, **PROLOGIS, INC.** and **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, are jointly and severally liable for all of Plaintiff's damages, including but not limited to Plaintiff's non-economic losses, due to their vicariously liable for the negligent acts and omissions of their agents, servants, or employees, which persons or entities may be one or more of the co-defendants to this action.
39. Pursuant to CPLR §1602(7), defendants, **PROLOGIS, INC.** and **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, are jointly and severally liable for all of Plaintiff's damages, including but not limited to Plaintiff's non-economic losses by reason of the fact that defendants acted with reckless disregard to the safety of others, including Plaintiffs herein.



40. Pursuant to CPLR §1602(11), defendants, **PROLOGIS, INC.** and **PROLOGIS**

**TARGETED U.S. LOGISTICS FUND, L.P.**, are jointly and severally liable for all of Plaintiff's damages, including but not limited to Plaintiff's non-economic losses by reason of the fact that defendants acted knowingly or intentionally, and in concert, to cause the acts or failures which are a proximate cause of Plaintiff's injuries.

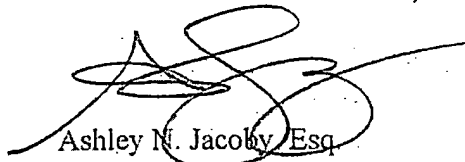
41. That as a result of the foregoing, Plaintiff, **KEKE LIBRON**, was caused to sustain severe and permanent personal injuries, has suffered and will continue to suffer from said injuries pain and mental anguish, was compelled to seek medical care and attention, will in the future be compelled to seek medical care and attention, and was otherwise injured and damaged.

42. That by reason of the foregoing, Plaintiff, **KEKE LIBRON**, has been damaged in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

**WHEREFORE**, Plaintiff, **KEKE LIBRON**, demands judgment both compensatory and exemplary, against the defendants, **PROLOGIS, INC.** and **PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.**, in an amount which exceeds the jurisdictional limits of all the lower courts which would otherwise have jurisdiction and which warrants the jurisdiction of this Court, together with the costs and disbursements of each cause of action.

Dated: December 2, 2020  
New York, New York

Yours, etc.,  
**THE DEARIE LAW FIRM, P.C.**



Ashley N. Jacoby Esq.  
Attorneys for Plaintiff  
**KEKE LIBRON**

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80 State Street  
Albany, NY 12207

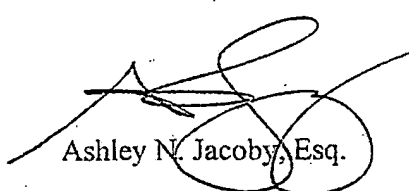
Prologis Targeted U.S. Logistics Fund, L.P.  
c/o Corporation Service Company  
80 State Street  
Albany, NY 12207

**ATTORNEY'S VERIFICATION**

Ashley N. Jacoby, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury: I am an Associate with The Dearie Law Firm P.C., attorneys of record for Plaintiff. I have read the annexed **SUMMONS AND VERIFIED COMPLAINT** and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters, I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason I make the foregoing affirmation instead of the Plaintiff is because Plaintiff is not presently in the county wherein the attorneys for the Plaintiff maintain their offices, to wit, New York County.

Dated: December 2, 2020  
New York, New York



Ashley N. Jacoby, Esq.

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX

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KEKE LIBRON,

Plaintiff,

-against-

PROLOGIS, INC. and  
PROLOGIS TARGETED U.S. LOGISTICS FUND, L.P.,

Defendants.  
-----X

**SUMMONS AND VERIFIED COMPLAINT**  
-----X

**THE DEARIE LAW FIRM P.C.**

Attorneys for Plaintiff

**KEKE LIBRON**

515 Madison Avenue, 16<sup>th</sup> Floor

New York, New York 10022

(212) 980-0404

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF BRONX**

-----X  
KEKE LIBRON,

Plaintiff/Petitioner,

- against -

Index No. 34548/2020E

PROLOGIS, INC., and PROLOGIS TARGETED  
U.S. LOGISTICS FUND, L.P.,

Defendant/Respondent.  
-----X

**NOTICE OF ELECTRONIC FILING  
(Mandatory Case)  
(Uniform Rule § 202.5-bb)**

**You have received this Notice because:**

1) The Plaintiff/Petitioner, whose name is listed above, has filed this case using the New York State Courts E-filing system ("NYSCEF"), and

2) You are a Defendant/Respondent (a party) in this case.

● **If you are represented by an attorney:**

Give this Notice to your attorney. (Attorneys: see "Information for Attorneys" pg. 2).

● **If you are not represented by an attorney:**

**You will be served with all documents in paper and you must serve and file your documents in paper, unless you choose to participate in e-filing.**

**If you choose to participate in e-filing, you must have access to a computer and a scanner or other device to convert documents into electronic format, a connection to the internet, and an e-mail address to receive service of documents.**

**The benefits of participating in e-filing include:**

- serving and filing your documents electronically
- free access to view and print your e-filed documents
- limiting your number of trips to the courthouse
- paying any court fees on-line (credit card needed)

**To register for e-filing or for more information about how e-filing works:**

- visit: [www.nycourts.gov/efile-unrepresented](http://www.nycourts.gov/efile-unrepresented) or
- contact the Clerk's Office or Help Center at the court where the case was filed. Court contact information can be found at [www.nycourts.gov](http://www.nycourts.gov)

